

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 345 OF 2006

Vasant Jagannath Mestri... Appellant.

Versus

State of Maharashtra & Ors. ... Respondents.

Mr. V. V. Pai for the Appellant.
Ms.P.H.Kantharia, AGP for the State.

CORAM : S. J. VAZIFDAR, J.

DATED : 29TH OCTOBER, 2007.

P.C.:

The appellant had purchased teak wood from respondent nos.4 and 5.

2. The application for permission to transport the wood was made by respondent nos.4 and 5 in the name of the dead person. Unfortunately, before the trial Court the appellant herein and respondent no.4 herein were joined as co-plaintiffs, though the case of the appellant on the one hand and respondent nos.4 and 5 on the other are totally different, in a material aspect, namely, even assuming that the permission was sought for illegally, the appellant herein was not responsible for the same in any manner.

3. No substantial question of law arises regarding confiscation of the material under the said Act. It is purely a question of fact.

4. The apprehension expressed on behalf of the appellant herein is unfounded. There are no observations against the appellant herein regarding the manner in which the permission was allegedly illegally obtained. The appellant herein was an innocent victim. In fact, no penalty was imposed and no proceedings were adopted against the appellant herein. He obviously paid the fine only for protecting his right in respect of the said material.

5. With the aforesaid observations the second appeal is dismissed.

X-X-X-X-X-X-X-X

Sd/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 614 OF 2006
IN
SECOND APPEAL NO. 345 OF 2006

Vasant Jagannath Mestri... Applicant.

Versus

State of Maharashtra & Ors. ... Respondents.

Mr. V. V. Pai for the Applicant.
Ms.P.H.Kantharia, AGP for the State.

CORAM : S. J. VAZIFDAR, J.

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P.C.:

Since the second appeal has been dismissed, the civil application does not survive and is, accordingly, disposed of.

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Sd/-